



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

adequate, and are especially to be commended for their thorough analysis of the leading articles and the discussions of recent decisions in the Columbia and Harvard Law Reviews. Much of the best, and most scholarly, legal thought of to-day is found in the pages of these two periodicals. It is cause for genuine regret that legal authors in general do not more often avail themselves of such golden treasures.

The case of *Groth v. Groth* (1896) 69 Ill. App. 68, reproduced by the author at p. 165, is novel and illuminating. The husband sought temporary alimony and the court below ordered that the wife pay him \$20 per month together with \$25 solicitor's fees. The appellate court reversed the order, declaring that alimony is given to wives alone, not to husbands. That alimony is limited to the wife has been ordinarily assumed; yet, *novissimis horis*, and with the spectre of equal suffrage looming up, we feel sorely tempted to add our "*sed quaere*." In this connection, it should be noted that neither text nor notes on this topic develop the important proposition that alimony *pendente lite* is never awarded except in cases where the petitioner can show, with some degree of certainty, a reasonable prospect of her success in the suit.

In his preface to the American Casebook Series, reprinted in each volume, Dr. James Brown Scott, the general editor, especially emphasizes limitations of time and space. He says, for instance: "The importance and difficulty of the subject as well as the time that can properly be devoted to it will be carefully considered so that each book may be completed within the time allotted to the particular subject." He adds that his personal experience, supplemented by that of others, "leads to the belief that approximately a book of 400 pages may be covered by the average student in half a year of two hours a week; that a book of 600 pages may be discussed in class in three hours for half a year", etc.

To the subject of Domestic Relations, our standard law schools, as a rule, devote two, or at the most, three hours a week, for a half year. It seems to the reviewer that the fruitful labors of the author of the supplement might profitably have been extended by the publishers to a revision of the original work. Mr. Kales apparently devotes an inordinate amount of space (tested by his general editor's standards) to those portions of the general topic which he covers.

Kales' Cases on Persons (654 pages) plus Vernier's Supplement of Cases on Marriage and Divorce (180 pages), the latter an integral part of the subject, total 834 pages. This appears unreasonably long and unwarranted either by the "difficulty" or "importance" of the subject. Besides, the size hardly squares with "the time allotted." In fact, it does not square at all.

I. Maurice Wormser.

A SHORT HISTORY OF ENGLISH LAW. By EDWARD JENKS, M. A., B. C. L., of the Middle Temple, Barrister-at-Law, Principal and Director of Legal Studies of the Law Society. Boston: LITTLE, BROWN & Co. 1912. pp. xxxviii, 379.

An increasing interest in English legal history has been awakened by the activities of the new school of legal historians in England and in America. The original researches of such scholars as Stephen, Stubbs, Maitland, Pollock, Holdsworth, and Vinogradoff in England, and of such scholars as Thayer, Ames, Holmes and Wigmore in America, have greatly increased our knowledge of England's legal past and have clearly demonstrated the vital importance of such knowledge to all stu-

dents of history and law. Most of the literary products of the new historical school deal with special periods or with special topics; and as a consequence there has been a real need for some summary account of the whole course of legal development. Mr. Jenks's little volume is to be warmly greeted, therefore, as the first attempt to provide such a short survey. Both in respect of his capacity as a legal historian and of his skill as a teacher Mr. Jenks was well prepared for the undertaking of his task. That the writing of a history of English Law from the earliest times to the end of the year 1911 in less than four hundred pages was no easy task is self-evident; and that Mr. Jenks has successfully accomplished this task will be evident to any competent critic of his work.

Mr. Jenks has written his book upon the "historical", not upon the "systematical" or "vertical", method. He has taken up the development in periods; and within each period he has traced the growth of the various institutions and branches of the law. Had he adopted the "systematical", or "vertical", method of setting forth the development, he would have traced the history of each existing institution or branch of law separately from its origin to its present form (p. viii). We believe Mr. Jenks is right when he says that the adoption of this latter method of writing the history would have involved much needless repetition and would have obscured "one of the most important lessons to be learnt from English legal history. For, if there is one truth which that history makes more clear than another, it is that the sharp division into distinct subjects which is so familiar a feature of a modern and highly complex system of law, finds no place in its early stages. Property, contract, tort, crime, even the apparently fundamental distinction between substantive law and procedure, are not recognized by primitive people. . . . But one of the most valuable lessons to be learnt from the study of the growth of a native and independent system of law like the English, is an appreciation of the processes by which those specialized ideas have slowly detached themselves from those primitive notions of right and wrong which are the kernel of all systems of law" (p. ix).

The author has accordingly divided his subject into historical periods, "marked by events which seemed to him to be milestones on the ever-broadening path of legal development" (p. ix). The first period covers the time before the Norman Conquest; the second period extends from the Conquest to the death of Henry the Third, 1066-1272; the time from Edward the First to the Commonwealth is taken as the third period, 1272-1660; while the fourth period covers the years from the Restoration to the present day, 1660-1911. The legal development from the end of the sixteenth century to the present time has received less attention at the hands of present-day historians than has the growth in the earlier centuries; and consequently there was greater opportunity and greater difficulty for the author in respect to those later ages. From this point of view we may perhaps consider the latter portions of the present volume as the author's most valuable contribution to our knowledge of the whole subject. The student of the modern centuries may well wish to supplement his reading of the present book by the perusal of certain of the papers contained in the *Select Essays in Anglo-American Legal History*, recently edited by a Committee of the Association of American Law Schools. We can but regret that the author has touched so very lightly upon the origin and development of the Courts, and the relations of the State towards its subjects.

Mr. Jenks's little volume is a sketch and a sketch only. Herein lies its value; for the reading of its pages will give the student an excellent summary view of English legal development as a whole. Lists of original and secondary authorities prefixed to each period will enable the student to extend his studies; and we believe that the reading of the present survey will inspire a good many students with a desire to examine the sources and to read some of the longer works, such as Holdworth's and Pollock and Maitland's well-known histories.

Harold D. Hazeltine.

NOTICE

Back Numbers Wanted

We will pay Fifty Cents for Copies of

MARCH - - - 1907

Cumulative Index, Vols. I-X inc.

COLUMBIA LAW REVIEW

COLUMBIA UNIVERSITY

NEW YORK CITY

Kindly mention the REVIEW.